



**FREQUENTLY ASKED QUESTIONS
PROPOSED RULE TO LIST PUGET SOUND STEELHEAD
CITY OF SEATTLE PROJECTS
June 8, 2006**

On March 29, 2006, the National Marine Fisheries Service (NMFS) proposed listing Puget Sound steelhead (*Oncorhynchus mykiss*) as threatened under the Endangered Species Act (ESA) (71FR15666). NMFS determined that naturally spawned winter- and summer-run steelhead populations have had widespread declines in abundance and productivity over the last nine years (since 1996 when NMFS determined that the Puget Sound steelhead did not need to be listed). The following is a list of questions regarding the proposed listing of steelhead. This document was developed in coordination with U.S. Fish & Wildlife Service, National Marine Fisheries Services, U.S. Army Corps of Engineers and the City of Seattle to help provide some interim guidelines on what the proposed listing of Puget Sound steelhead means for proposed City of Seattle CIP and O&M projects. Should you have any additional questions please contact Jim Muck, NMFS and U.S. Fish and Wildlife Service, at 206/526-4740 or jim.muck@noaa.gov, or Maryann Baird, Army Corps of Engineers (COE), at 206/764-5531 or Maryann.Baird@nws02.usace.army.mil. This document will be updated as needed.

What happens now that NMFS has proposed the listing of Puget Sound steelhead under the ESA?

To ensure that the final action resulting from the proposed rule will be accurate, NMFS will begin to review and solicit input from the public, other governmental agencies, the scientific community, industry, and any other interested parties on the status of Puget Sound steelhead. The ESA stipulates that a final determination to list Puget Sound steelhead will be made after one year. This determination may be to finalize the proposed listing; withdraw the proposed listing; or extend the one-year deadline for as much as six months for the purposes of soliciting additional data to resolve substantial disagreement on the sufficiency or accuracy of the available data.

Will NMFS propose Critical Habitat?

Critical habitat for Puget Sound steelhead may be designated concurrently with the final rule listing. However, in many cases, as with Puget Sound Chinook salmon, critical habitat will be designated after the listing of the species.

How are resident rainbow trout affected by the proposed listing of Puget Sound steelhead?

Steelhead is the name applied to the anadromous (ocean-going) form of the biological species *O. mykiss*. Rainbow trout is the name applied to the resident form of *O. mykiss*. *O. mykiss* exhibit a complex suite of life-history traits and under some circumstances yield offspring of the opposite life-history form (*i.e.*, steelhead offspring become resident

rainbow trout, and resident rainbow trout offspring become anadromous steelhead). NMFS concluded that resident and anadromous *O. mykiss* below longstanding impassable barriers are not reproductively isolated and that they differ in physical, physiological, ecological, and behavioral factors. While this is true for adult *O. mykiss*, these factors may not be as easily recognized for fry and juveniles. Therefore, both anadromous and resident fry and juvenile *O. mykiss* may be protected where they coexist below impassable barriers. Further guidance on this may be made in the final listing determination.

How does the proposed listing of Puget Sound steelhead affect the City of Seattle projects, or future projects, submitted to the COE for permitting?

Under ESA, the COE must consult with NMFS on projects that impact listed species, including species proposed for listing. For a listed species, the effects determination for a project are “no effect”, “may affect, but not likely to adversely affect”, “may affect, likely to adversely affect”, or “jeopardize the continued existence of the species.” Following consultation, NMFS writes a concurrence letter for projects that “may affect, but not likely to adversely affect” a listed species, or NMFS writes a biological opinion for projects that “may affect, likely to adversely affect” or “jeopardize the continued existence of the species.” However, the effects determination for species proposed for listing, although similar, is different than for listed species. For a species proposed for listing, the effects determination is the jeopardy threshold. The COE must determine whether or not a proposed project will “jeopardize the continued existence of the species” and conference with NMFS for projects that “jeopardize the continued existence of the species.”

What happens to projects that have undergone ESA consultation with NMFS but did not include Puget Sound steelhead?

If a City of Seattle project has gone through consultation with NMFS and a permit has been issued by the COE, no further ESA consultation is required as long as the project is complete by the time NMFS makes its final determination to list Puget Sound steelhead. If a project is not complete and NMFS lists Puget Sound steelhead, then the COE must consult with NMFS on the project if the COE retains involvement or control over the action and the action “may affect” Puget Sound steelhead. The COE has determined that the type of projects over which it retains ESA Section 7 involvement or control are those projects having undergone formal ESA consultation, multiyear dredging permits, or projects for which a modification is requested. If the COE determines that consultation is required, the City of Seattle must stop construction until the consultation on Puget Sound steelhead is completed.

How can the City of Seattle ensure that a project will not have to be stopped, once started, to consult on Puget Sound steelhead?

Neither the COE nor NMFS want the City of Seattle to stop construction once a project has started. The City of Seattle should coordinate with the COE and NMFS to ensure

that Puget Sound steelhead are included in the consultation on a project, especially those projects that will begin construction in 2007.

Will the City of Seattle be able to use the reference Seattle Biological Evaluation (SBE) that is currently being developed?

Yes, the SBE will include Puget Sound steelhead. The City of Seattle, COE, NMFS, and U.S. Fish and Wildlife Service have been developing the reference SBE to assist the City of Seattle and the COE in streamlining ESA consultation with NMFS and U.S. Fish and Wildlife Service. With the proposed listing of Puget Sound steelhead, the SBE is being updated to include Puget Sound steelhead.